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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/531,735 | 03/21/2000 | Shalom Levin | EPLC/03 | 7129 |

7590 01/18/2006
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EXAMINER

KOVACS, ARPAD F

ART UNIT PAPER NUMBER

3671

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------|------------------------------|--|
| Office Action Summary | Application No. 09/531,735 | Applicant(s) LEVIN ET AL. | |
| | Examiner Árpád Fábán Kovács | Art Unit 3671 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 9-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (3670413).

Weber discloses:

It is noted that in some of the claims first end & portion, engaging portion; and second end, ends, and second portion refer to the same element(s). Thus, the rejection below also uses the same language interchangeably.

In re independent claims 9 & 12 & 16 & 19, 23, Weber discloses as also shown in the marked up figures below, a lawnmower blade assembly comprising:

a shaft (15) configured to be rotatable with a motor (10);

a stub (19, 20) in communication with the shaft (fig 2);

a blade (12);

a receiver (22) coupled to the blade (fig 4, 5), the receiver including a receiving portion (13) and at least a plurality of flexible members (13) configured for moving between outward and inward positions for engaging and retaining the stub in the receiving portion (fig 2) in a releasable engagement, the flexible members

ends configured such that pressure thereon moves the flexible members outward, allowing for at least the disengagement of the blade from the stub (as the top ends of flexible members of the receiving portion is moved outwardly the receiver is released from the stub shaft);

in re claim 10, 23, the shaft, stub, blade, receiver are coaxial (see fig 2);

in re claims 11 & 22, the outer surface of the stub where the receiving portions's inner surface engages allows a sufficient but minimal amount of rotation play for the blade (see fig 2, the receiving portions on the outer surface of the shaft at ref 19, allows minimal rotation since it is not secured to the stub shaft, but rather pressure of the receiving portions keeps it engaged with the shaft);

in re independent claims 12 & 18 & 21:

a stub (19, 20) in communication with the shaft (fig 2);

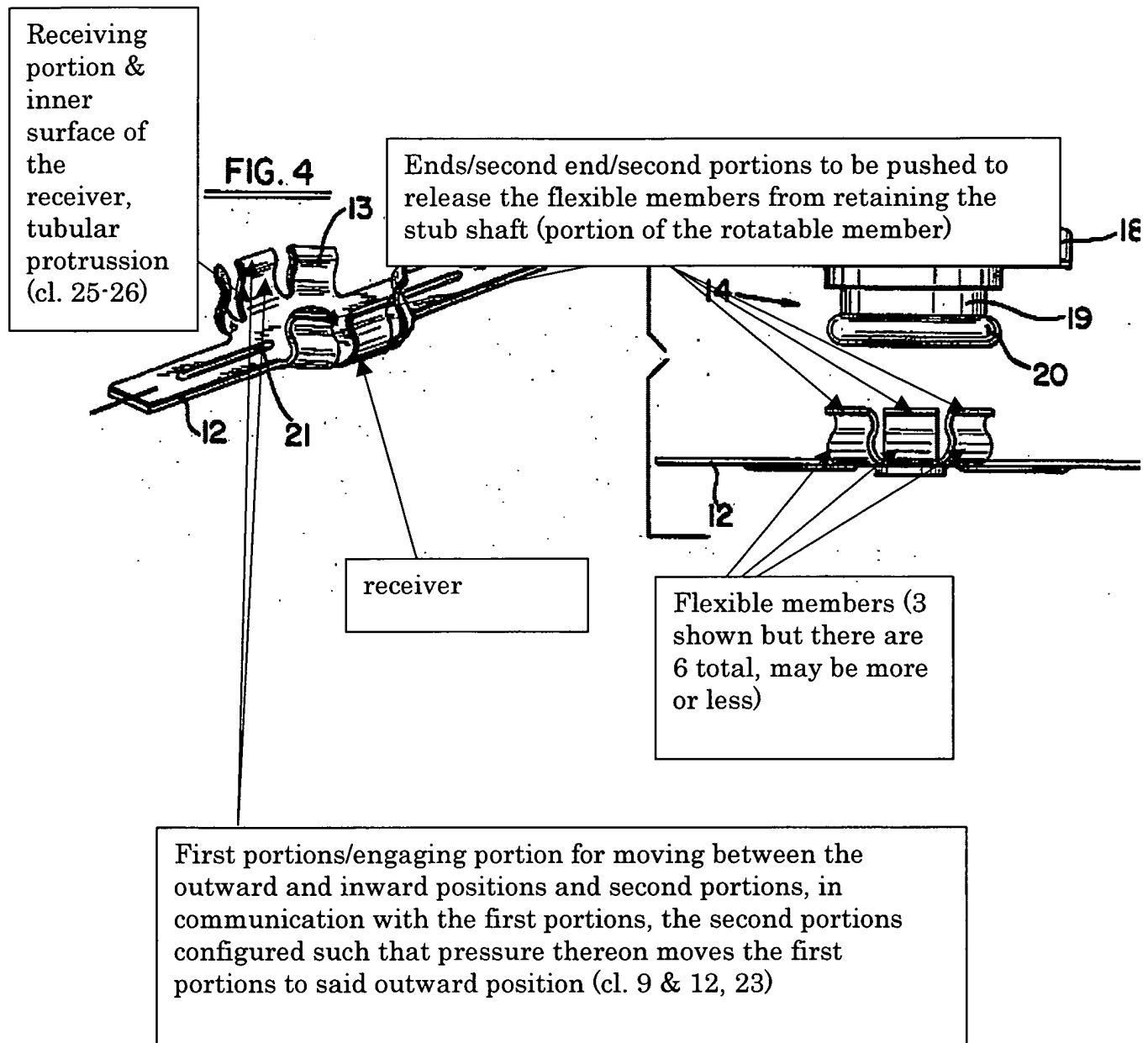
a blade body (12) including oppositely disposed cutting portions (fig 6, blade 12 having oppositely disposed cutting portions) and a platform intermediate the cutting portions (as best shown on fig 4, the receiver is placed between the oppositely disposed cutting portions or in the middle of ref 12);

a receiver (22) coupled coaxially to the blade (fig 4, 5), the receiver including a receiving portion (13) and at least a plurality of flexible members (13) configured for moving between outward and inward positions for engaging and retaining the stub in the receiving portion (fig 2) in a releasable engagement, the flexible members including ends configured such that pressure thereon moves the flexible members

outward, allowing for at least the disengagement of the blade from the stub (as the top ends of flexible members of the receiving portion is moved outwardly the receiver is released from the stub shaft);

in re claims 13 & 17 & 20, 24, the flexible members (or spring clips 13) are spring like (i.e. can be pushed outwardly to disengage the stub shaft and when released it will press against the stub shaft; col. 2, line 18).

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Response to Arguments & Amendments

3. Applicant's arguments & amendments to the claims filed 11/28/2005 have been fully considered but they are not persuasive.

As the Applicant argued the flexible members conditionally/functionally claimed, i.e. for moving from an inward position etc..., therefore, despite of Applicant's contention, the claims as they are recited met by the prior art as shown above.

Applicant argued on pages 9-10, that the flexible members include two parts: a first part & other part, wherein the other part is at a different location. The Examiner found the following limitation (claim 9): flexible members including, engaging portions, and ends. The pre mentioned/cited recitation is different than what Applicant claims to be recited in the claim(s). Therefore, arguments pertaining to this matter is none germane.

Applicant's argument on page 10, that the following is not met by the prior art:

“downward movement of the ends or second portions, that results in the engaging portions or first portions, respectively, moving outward, allowing the blades to be releasable, as recited in claims 9, 12, 16”

specifically, the Applicant argues that the prior art's ends “in no way the downward movement” is not agreed with. More precisely that is the intended use / functional capability of the ends as demonstrated in the rejection outlined above.

Applicant stated on page 11, that “Claims 16 & 23 include a receiving portion ... flexible members with distinct first and second portions.” However, the claim language recites “flexible members including first portions ... and second portions” and performing the intended use / functional capability of the claim. A generic “fails to show” is not understood in view of the detailed rejection listed above.

Applicant argued on page 11, that the prior art does not show separate flexible members and receiving portion. It is incorrect. As shown in the marked up drawings above the prior does show separate flexible members and receiving portion as defined by the claim(s).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

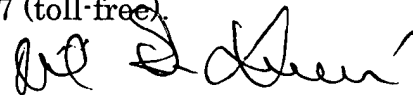
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Árpád Fábián Kovács
Primary Examiner
Art Unit 3671

ÁFK